

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERTA M. CROMO and MARK CROMO,)	
Plaintiffs,)	
)	
vs)	Civil Action No. 17-1625
)	
SSC CORAOPOLIS OPERATING COMPANY, LP, d/b/a WEST HILLS HEALTH AND REHABILITATION CENTER,)	
Defendant/Third-Party Plaintiff,)	
)	
vs)	
)	
COMMUNITY COLLEGE OF BEAVER COUNTY,)	
Third-Party Defendant.)	

ORDER

And now this 13th day of September, 2018, upon consideration of the motion to dismiss (ECF No. 15) filed by Third-Party Defendant, Community College of Beaver County (“CCBC”); the Report and Recommendation (ECF No. 23) filed by the United States Magistrate Judge recommending that this court grant CCBC’s motion to dismiss the third-party complaint filed by SSC Coraopolis Operating Company, LP, d/b/a West Hills Health and Rehabilitation Center (“West Hills”) against CCBC; the objections filed by West Hills to the Report and Recommendation, (ECF No. 24), and the response of CCBC thereto (ECF No. 25), and upon independent review of the parties’ filings,

IT IS ORDERED and the objections to the Report and Recommendation are overruled;

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 23) of Magistrate Judge Robert C. Mitchell, is adopted as the opinion of this Court;

IT IS FURTHER ORDERED that the motion to dismiss filed by the Third-Party Defendant (ECF No. 15) is granted and the third-party complaint is dismissed; and

FINALLY, IT IS ORDERED that West Hills may file a motion for leave to amend its third-party complaint against CCBA plausibly stating application of the real estate exception to immunity in the Political Subdivision Tort Claims Act, 42 Pa. Cons. Stat. § 8542(b)(3), within 21 days.

By the Court:

/s/ Joy Flowers Conti

Joy Flowers Conti

United States Chief District Judge

cc: The Honorable Robert C. Mitchell
United States District Court
Western District of Pennsylvania